

**MINUTES**

**REGULAR MEETING – EDEN TOWN BOARD  
2795 EAST CHURCH STREET  
EDEN, NEW YORK  
NOVEMBER 13, 2002  
7:30 P.M.**

**TOWN BOARD MEMBERS PRESENT:**

GLENN R. NELLIS	-	SUPERVISOR
MARY LOU PEW	-	COUNCILWOMAN ( <i>Deputy Supervisor</i> )
GEORGE F. ZITTEL	-	COUNCILMAN
VINCENT V. VACCO	-	COUNCILMAN
TIMOTHY J. WALKER	-	COUNCILMAN ( <i>Absent</i> )

**DEPARTMENT HEADS PRESENT:**

Andrew C. Reilly of Wendel	-	Town Engineer
Ronald C. Maggs	-	Superintendent of Highways
Patrick M. Howard	-	Chief of Police
Paul Shephard	-	Eden Emergency Squad
Paul Laing, Jr.	-	Eden Fire Chief
Kevin R. Schoenthal	-	East Eden Fire Chief
Susan Brass	-	Recreation Director
Mary Murray	-	Chairman Board of Assessors
Scott T. Henry	-	Zoning Code Enforcement Officer

**OTHERS PRESENT:**

William Trask	-	Town Attorney
Mary Jo Hultquist	-	Town Clerk
Anna M. Knack	-	Administrative Assistant

**Call to Order:**

Supervisor Nellis called the Regular Meeting of the Eden Town Board to order at 7:45 P.M.

**Pledge of Allegiance:**

Supervisor Nellis led the assembly in the Pledge of Allegiance to the flag followed by a moment of silence.

**Approval of Minutes:**

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes October 9, 2002; There were none.

**MOTION** was made by Councilman Zittel to approve the Town Board Minutes of October 9, 2002 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of October 23, 2002; There were none.

**MOTION** was made by Councilman Vacco to approve the Town Board Minutes of October 23, 2002 as presented; seconded by Councilman Vacco; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis asked if there were any additions or corrections to the Town Board Minutes of October 30, 2002; There were none.

**MOTION** was made by Councilman Zittel to approve the Town Board Minutes of October 30, 2002 as presented; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Petitions:**

There were none.

**Budget Transfers:**

Supervisor Nellis read the following “Budget Transfers”, from Account A1680.4 to A8020.4B for Project Impact grant expenses in the amount of \$2,350.34, from Account A1680.4 to A1680.2G for GIS grant expenses not reimbursed in the amount of \$6,800.18, from Account A1990.4 to A3640.4 for Kenilworth encumbrance in the amount of \$578.00 and from Account A1990.4 to A3989.4 for Disaster Preparedness-non-grant in the amount of \$574.00.

**MOTION** was made by Councilwoman Pew to approve the “Budget Transfers”; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis read the following “Highway Department Budget Transfers”, from Account D2770 to D5110.4 for payment received from pipe permits in the amount of \$2,359.80, from Account D5120.4 to D5110.4 for road materials in the amount of \$5,000.00 and from Account D5110.1 to D5110.4 for road materials in the amount of \$5,000.00.

**MOTION** was made by Councilwoman Pew to approve the “Highway Department Budget Transfers”; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Budget Amendments:**

Supervisor Nellis read the following “Budget Amendments”, from Account D2770 to D5110.4 for reimbursement for Gorcica materials in the amount of \$1,273.00 and from Account D2770 to D5110.4 for reimbursement for Jennings Road drainage materials in the amount of \$1,393.10.

**MOTION** was made by Councilwoman Pew to approve the “Budget Amendments”; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Audit Bills:**

Supervisor Nellis asked if there were any questions on the “Audit of Bills” which are on file in the Town Clerk’s office. There were none.

DESCRIPTION	VOUCHER NUMBERS	AMOUNT
General Fund	635-735	\$46,174.40
Highway Dept. Fund	273-302	\$29,209.77
Fire Dept. Fund	232-261	\$38,620.32
Recreation Dept. Fund	159-176	\$3,414.81
Refuse and Garbage Fund	23-27	\$102,052.18
Street Lights Fund	28-29	\$3,288.15
Water Fund	17-19	\$4,871.38
Trust & Agency Fund	--	--
Capital Fund	21-24	\$49,552.56
Community Development	3	\$645.78

**MOTION** was made by Councilwoman Pew to approve the Audit of Bills as presented; seconded by Councilman Zittel; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Departmental Reports:**

Department reports for the month of October 2002 were presented by Paul Shephard, Eden Emergency Squad; Paul Laing, Eden Fire Chief; Kevin Schoenthal, East Eden Fire Chief; Patrick Howard, Eden Police Chief; Ronald Maggs, Superintendent of Highways; Andrew Reilly, Town Engineer; William Trask, Town Attorney; Mary Jo Hultquist, Town Clerk; Scott Henry, Zoning Code Enforcement Officer; Susan Brass, Recreation Director; Mary Murray, Chairman Board of Assessors. All reports are on file in the Town Clerk’s office.

Ron Maggs, Highway Superintendent offered the following Resolution:

**BE IT RESOLVED** that the Eden Town Board hereby agrees to enter into a mutual agreement with the Town of North Collins, whereby the Town of North Collins Highway Department will plow Clarksburg Road from the North Collins Town Line to the Eighteen Mile Creek Bridge. In exchange, the Eden Town Highway Department will plow the lower section of Belcher Road and Rocky Mountain Road.

**MOTION** was made by Councilman Vacco to approve the Resolution; seconded by Councilman Zittel; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Pat Howard, Chief of Police stated that the winter parking ban was put into effect on November 1, 2002.

Paul Laing, Eden Fire Chief asked the Town Board to add the name of Richard Skora to their active roster, pending his physical.

**MOTION** was made by Councilman Zittel to add Richard Skora to the active roster of the Eden Fire Department; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilwoman Pew to close the Regular Meeting of the Eden Town Board; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis closed the Regular Meeting of the Eden Town Board at 8:00 P.M.

**MOTION** was made by Councilman Zittel to open the Public Hearing to consider Proposed Local Law #8-2002; seconded by Councilman Vacco; All "Ayes"; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis opened the Public Hearing at 8:00 P.M.

**8:00 P.M.**

**Public Hearing**

**Proposed Local Law #8-2002**

**Providing for the use of alternate members to the Planning Board and the Zoning Board of Appeals in the Town of Eden**

Supervisor Nellis explained the purpose of the Public Hearing was to listen to any concerns or questions that citizens have. Supervisor Nellis and Attorney Trask then explained the reasons for proposed Local Law #8-2002.

Supervisor Nellis then opened up the discussion to all in attendance. There were no comments or questions during the Public Hearing except for Councilman Zittel as liaison of the Planning Board. Councilman Zittel expressed his support for the proposed local law as being very helpful and needed.

All persons desiring to be heard, having been heard, Supervisor Nellis closed the Public Hearing at 8:05 P.M.

**MOTION** was made by Councilman Zittel to close the Public Hearing; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**MOTION** was made by Councilman Vacco to open the Regular Meeting of the Eden Town Board; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

### **New and Unfinished Business:**

#### **1.) Discussion and Approval of the 2003 Town of Eden Budget.**

Supervisor Nellis stated that he received a telephone call from the Town of Aurora Supervisor stating that changes had been made in terms of the New York State Retirement portion of the 2003 budget. Based upon a letter that was received from the State Retirement, Comptroller’s office on August 30, 2002 the figures were doubled. Nothing had been received since August 30<sup>th</sup> and everything had been verbal.

In light of the information received there will be a further increase in the 2003 Budget. The General Retirement would be adjusted by \$26,500. for a total of \$59,000. and an adjustment of the Highway retirement by \$15,100. for a total of \$40,600. The General Tax Rate will now go from the original proposal of \$1.53/thousand to \$1.61/thousand an \$.08 increase. The Highway Tax Rate will now go from the original proposal of \$2.62/thousand to \$2.67/thousand an \$.05 increase.

Much discussion ensued between the Town Board and residents present and it was decided that we are fortunate that the 2003 budget hadn’t been adopted yet.

**MOTION** was made by Councilman Vacco to adopt the 2003 Town of Eden Budget with the additions to the retirement as stated above; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

#### **2.) Scheduling of Public Hearing – Proposed Local Law Town of Eden – Site Plan Review Waiver.**

Supervisor Nellis discussed setting a date for a Public Hearing for Proposed Local Law No. 9-2002 which would amend Section 225-30 Site Plan Review of the Code of the Town of Eden regarding a Site Plan Review Waiver and Proposed Local Law No. 10-2002 which would amend the Town of Eden’s Standard Schedule of Fees under D. Site Plan Review Fees and Site Plan Waiver Fee of \$150.00.

**MOTION** was made by Supervisor Nellis to set the Public Hearing for December 11, 2002 at 8:00 P.M. for Proposed Local Law No. 9-2002 and December 11, 2002 at 8:15 P.M. for Proposed Local Law No. 10-2002; seconded by Councilwoman Pew; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**3.) Status Report on Water District No. 4.**

Supervisor Nellis stated that a meeting was held on Wednesday, November 6, 2002 with the residents in Water District No. 4. It was very well attended with the contractors in attendance to answer questions from the residents. A work site has been set up in the Interstate Battery building on Hemlock Road.

**4.) Discussion of 18-Mile Creek Watershed.**

Supervisor Nellis received a report from Erie County Soil & Conservation Regarding the 18-Mile Creek Watershed. The district starts in Springville/Concord and includes Eden. The report identified areas with stream bank erosion and put the estimated cost of repair at \$1.1 million. John Whitney from Erie County will call all municipalities together to discuss this project. Supervisor Nellis is asking permission of the Town Board for the Town of Eden to enter into partnership with Soil and Conservation and other effected municipalities to design this grant application to the Federal Government. Estimated cost to the town in budget year 2004 will be \$10,000. Supervisor Nellis asked for a volunteer from the Town Board and Councilman Zittel responded.

**MOTION** was made by Councilman Vacco to approve Supervisor Nellis proposal to enter into a partnership with Erie County Soil and Conservation as well as other effected municipalities for work on the 18-Mile Creek Watershed; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**5.) Permissive Referendum Period – Recreation Equipment Reserve – Purchase of Ford F-350 4x4 Truck**

Supervisor Nellis reported that the 30-day Permission Referendum Period for the Recreation Department to purchase a Ford F-350 4x4 Truck has expired with no inquiries.

**6.) Scheduling of Public Hearing – Annual Special Use Permit Renewals.**

Supervisor Nellis reported that a Public Hearing needed to be scheduled for the Annual Special Use Permit Renewals.

**MOTION** was made by Councilwoman Pew to set the Public Hearing for December 11, 2002 at 8:30 P.M. to the Annual Special Use Permit Renewals; seconded by Councilman Zittel; All “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

**Supervisor’s Report:**

Supervisor Nellis had no report.

**Hearing of Visitors:**

Mark Fiorello, 3545 North Boston Road

**Adjournment:**

**MOTION** was made by Councilman Zittel to adjourn the Regular Meeting of the Eden Town Board; seconded by Councilman Vacco; All – “Ayes”; Opposed? – None; Abstain? – None; Motion carried.

Supervisor Nellis adjourned the Regular Meeting of the Eden Town Board at 9:00 P.M.

**Executive Session:**

Supervisor Nellis adjourned the Executive Session of the Eden Town Board Meeting at 9:30 P.M.

Respectfully submitted by,

Mary Jo Hultquist  
Town Clerk